

**REMARKS**

Claims 1-14 are currently pending in the application. Claims 1 and 8 are in independent form.

The Abstract of the disclosure is objected to because the Abstract should be in narrative form and limited to a single paragraph. A new Abstract of the disclosure is attached hereto on a separate sheet of paper and reconsideration of the objection is respectfully requested.

Claims 1-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Johnson, et al. patent. Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by the Johnson, et al. patent, as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under §102 it has to meet every element of the claimed invention."

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim."

It is respectfully submitted that the Johnson, et al. patent issued April 25, 2000, and the presently pending application claims priority to a provisional application filed June 15, 2000. Thus, the Johnson patent was not patented more than one year prior to the date of application of the present patent application as required under 35 USC §102(b). In other words, the 102(b) rejection is rendered moot.

Additionally, the Johnson, et al. patent does not disclose the method of the presently pending claims. The Office Action has held that the Johnson, et al. patent discloses the claimed method and business application for facilitating the exchange of information between vendors and seekers, including the steps of entering the vendor's item records as listings in an electronically searchable data structure, searching the data structure on the basis of seeker queries generated by seekers

subsequent to matching a seeker's query with listings of one or more vendors making available the identity of the seeker for viewing by the vendors corresponding to the matched listings and making available the identity of the vendors for viewing by the seeker. The Office Action has held that the Johnson, et al. patent ensures that the vendor's item records are for items appearing in an electronically searchable item catalog, thereby ensuring that seeker queries are in respect of items appearing in the item catalog and also provides for each vendor to nominate seekers who are not to be granted access to the vendor's records. In contradistinction, the presently claimed invention recites a solution to a problem, the problem being the ability to identify a seeker who is viewing a vendor's listings. For example, a person who retrieves search results on an internet trading site such as Ebay.com or Amazon.com, can remain anonymous even though the individual is able to determine the identity of the vendors of the goods whose listings have been analyzed. It is respectfully submitted that the Johnson, et al. patent does not make available the identity of the seeker for viewing by the vendors. At column 4, lines 30-50 of the Johnson, et al. patent, there is disclosed a situation where a customer, using a local computer, is able to review a catalog database containing information identifying vendors of the products described in the catalog. There is no disclosure that the vendors can determine the customer's identity or have that identity made readily available to the vendor as recited in independent claim 1 of the present application. Further, the section beginning at column 6, line 60 through column 7, line 4 of the Johnson, et al. patent does not describe the ability of a vendor to determine who has been granted access to the vendor's records. Absent the ability for the vendor to determine what seekers have been granted access to the vendor's records, the Johnson, et al. patent does not disclose the method and software of the presently claimed invention, therefore the presently pending independent claims are patentable over the Johnson, et al. patent and reconsideration of the rejection is respectfully requested.

A signed Declaration and Power of Attorney is attached hereto. Applicant's attorney was never mailed a Notice to Filing Missing Parts from the USPTO.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



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Connie Herty



## ABSTRACT

A method for facilitating the exchange of information between vendors and seekers of products and services by entering vendors' item records as listings in an electronically searchable data structure; searching the data structure on the basis of seeker queries generated by seekers and subsequent to matching a seeker's query with listings of one or more vendors making available the identity of the seeker for viewing by the vendor corresponding to the matched listings and making available the identity of the vendors for viewing by the seeker. Vendors are able to determine the identities of seekers who have been perusing their item listings. In a preferred embodiment the vendors are able to nominate seekers who are to be denied access to particular vendor records.



Docket No.

3133.00003

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD FOR FACILITATING THE EXCHANGE OF INFORMATION OVER A COMPUTER NETWORK**

the specification of which

(check one)

is attached hereto.

was filed on \_\_\_\_\_ as United States Application No. or PCT International

Application Number \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/211,837  
(Application Serial No.)

6/15/00  
(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

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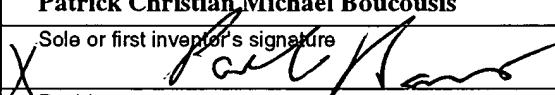
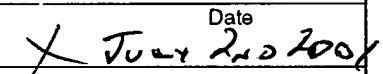
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